

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
(ALEXANDRIA DIVISION)

ROBERTO CLAROS et al.,

*Plaintiffs,*

v.

SWEET HOME IMPROVEMENTS, INC.,  
et al.,

*Defendants*

Case No: 1:16-CV-344-AJT-MSN

Hearing Date: August 5, 2016  
10:00 a.m.

**Declaration of Nicholas Marritz, Esq.**


1. My name is Nicholas Cooper Marritz (VSB No. 89795). I am over 18 years of age and competent to make this declaration.
2. I am a staff attorney with the Immigrant Advocacy Program at the Legal Aid Justice Center (LAJC). I am a 2011 graduate of the University of Washington School of Law. I have been admitted to practice law in California since June 2012 and in Virginia since January 2016 (when I was also admitted to practice before this Court).
3. As a staff attorney with LAJC, a large part of my docket consists of plaintiff-side litigation under the Fair Labor Standards Act, in both state and federal court.
4. I am fluent in both English and Spanish and communicate with Plaintiffs exclusively in Spanish.



5. Prior to joining LAJC, I served as a staff attorney with Farmworker Justice in Washington, D.C., representing low-wage immigrant farmworkers in federal courts across the country, including in the following cases involving the Fair Labor Standards Act:
  - *Villalobos v. Calandri Sunrise Farms LP*, 2:12-cv-2615 (C.D. Cal.)
  - *Smith v. Bulls-Hit Ranch & Farm*, 3:12-cv-449 (M.D. Fla.)
  - *Jimenez v. GLK Foods, LLC*, 1:12-cv-209 (E.D. Wis.) and *Ramirez v. GLK Foods, LLC*, 1:12-cv-210 (E.D. Wis.)
  - *Ruiz v. Fernandez*, 2:11-cv-3088 (E.D. Wash.) (not counsel of record)
6. I am counsel of record in one other FLSA case currently pending before the Eastern District of Virginia: *Rivas v. Saldivar & Assoc's, Inc.*, No. 1:16-cv-343-LMB-JFA.
7. I am seeking a rate of \$320 per hour, which is the rate which Judge Ellis recently approved for me in another recent FLSA case before this court, *Avila Flores v. Rababeh*, No. 1:15-cv-1415-TSE-TCB. (June 15, 2016, Dkt. No. 30 at 18) (magistrate's report and recommendation); (July 13, 2016, Dkt. No. 31) (adopting magistrate's report and recommendation).
8. According to my time records, which I entered contemporaneously into our case-management software, JusticeServer, I spent a total of 49.4 hours on matters relating solely to the discovery disputes in this case. In the exercise of billing discretion, I then eliminated various time entries, including and all time entries related to planning case strategy and supervision with my co-counsel Simon Sandoval-Moshenberg. I have also eliminated or reduced various other time entries in this case.
9. After making a good-faith evaluation of all recorded hours of I work performed in relation to the discovery disputes in this case, the chart accompanying this declaration lists only those time entries that I believe to have been fair and reasonably necessary.

10. Accordingly, I am seeking a fee award of 28 hours, or a little more than 50% of the total time I spent on the discovery disputes in this case.  $28 \text{ hours} \times \$320/\text{hour} = \underline{\$8,960}$  in fees.
11. Plaintiffs have incurred no compensable costs specifically related to these discovery disputes.  
Accordingly, Plaintiffs do not seek an award of costs at this time.
12. I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

By:   
Nicholas Cooper Marritz (VSB No. 89795)  
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*Counsel for Plaintiff*

Date: July 27, 2016

Adjusted Time Entries of Nicholas Marritz  
*Claros v. Sweet Home Improvements, Inc.* (E.D. Va.)  
 (Adjusted for Billing Discretion)

| Date      | Activity  | Time |
|-----------|---|------|
| 6/7/2016  | TC with Jason Huh re discovery deadline   | 0.1  |
| 6/7/2016  | Email to Jason Huh re discovery deadline  | 0.2  |
| 6/7/2016  | Email to Jason Huh memorializing discovery call                                     | 0.2  |
| 6/10/2016 | Researching and drafting motion to compel   | 1.6  |
| 6/10/2016 | Left message on opposing counsel's cell phone re motion to compel                   | 0.1  |
| 6/10/2016 | Left message with opposing counsel's receptionist re motion to compel               | 0.1  |
| 6/10/2016 | Email to opposing counsel re motion to compel                                       | 0.2  |
| 6/13/2016 | TC with opposing counsel to arrange meet-and-confer tomorrow                        | 0.2  |
| 6/13/2016 | Working on motion to compel   | 0.7  |
| 6/14/2016 | Analyzing and compiling table of discovery deficiencies                             | 1.5  |
| 6/14/2016 | Telephonic meet-and-confer with opposing counsel                                    | 1.3  |
| 6/14/2016 | Writing email to opposing counsel, summarizing our meet-and confer                  | 0.9  |
| 6/20/2016 | Working on motion to compel   | 1.8  |
| 6/21/2016 | Researching and writing motion to compel  | 2.3  |
| 6/22/2016 | Finalizing motion to compel   | 1.7  |
| 6/23/2016 | Analyzing Ds' supplemental discovery responses and compiling remaining deficiencies | 1.6  |
| 6/23/2016 | Email to opposing counsel re remaining deficiencies                                 | 0.3  |
| 6/28/2016 | TC to opposing counsel re motion to compel. Left message with a receptionist.       | 0.1  |
| 6/28/2016 | TC with opposing counsel re motion to compel  | 0.2  |

|           |  |     |
|-----------|--|-----|
| 6/28/2016 | Researching motion to compel   | 1   |
| 6/29/2016 | Drafting Notice to Court re motion to compel                           | 1.1 |
| 6/29/2016 | Researching and drafting reply brief re motion to compel               | 2.1 |
| 7/7/2016  | Preparing for motion-to-compel hearing                                 | 0.6 |
| 7/8/2016  | Travel to / from hearing   | 1   |
| 7/8/2016  | Hearing on motion to compel  | 0.6 |
| 7/19/2016 | Researching and drafting brief in support of contempt & sanctions      | 0.8 |
| 7/25/2016 | Researching and writing brief in support of contempt & sanctions       | 2.6 |
| 7/26/2016 | Researching and writing brief in support of contempt & sanctions       | 2.4 |
| 7/27/2016 | Drafting motion and notice of hearing                                  | 0.2 |
| 7/27/2016 | Drafting attorney's fee declaration and table of adjusted time entries | 0.5 |